

## REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-5 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the Amendments and Remarks as set forth hereinbelow.

## ALLOWABLE SUBJECT MATTER

It is gratefully acknowledged that the Examiner considers the subject matter of claims 1-3 and 6 as being allowable if rewritten in independent form and amended to overcome the rejection based on 35 USC 112. Although not conceding the appropriateness of the Examiner's rejections, the claims have been amended to overcome the Examiner's rejection based on 35 USC 112. In addition, claim 6 has been cancelled and the subject matter has been added to claim 4. Claims 1-5 are now in condition for allowance.

## CLAIM FOR PRIORITY

It is gratefully acknowledged that the Examiner has recognized the Applicant's claim for foreign priority. In view of the fact that the Applicant's claim for foreign priority has been perfected, no additional action is required from the Applicants at this time.

## DRAWINGS

It is gratefully acknowledged that the Examiner has approved the Formal Drawings submitted by the Applicants. The drawings comply with the requirements of the USPTO. No further action is necessary.

## ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT

The Examiner has acknowledged the Information Disclosure Statement filed on June 15, 2005. An initialed copy of the PTO-1449 has been received from the Examiner. No further action is necessary at this time.

## OBJECTION TO THE CLAIMS

Claims 3 and 6 stand objected to under 37 CFR 1.75. This objection is respectfully traversed.

As the Examiner will note, claim 3 has been amended to delete “the vertical beam” and insert – a vertical beam --. In addition, claim 6 has been cancelled and the subject matter has been added to claim 4. In amending claim 4, reference to “the vertical beam” has been changed to – a vertical beam --. The Examiner’s objection has been obviated.

### REJECTION UNDER 35 USC 112

Claims 1 and 4 stand rejected under 35 USC 112 as being indefinite. This rejection is respectfully traversed.

As the Examiner will note, claims 1 and 4 have been amended to incorporate the helpful suggestions of the Examiner. The suggested changes to claim 1, lines 5-7 have been incorporated into amended claim 1. In addition, claim 4 has been amended wherein the same correction to claim 1 has been inserted into claim 4 with respect to the adjusting the phase of the signal for each of the antenna elements to produce adjusted signals in order to point the beam of the electromagnetic wind profiler. Further, claim 4 has been amended to refer to the separate feeding means for each beam direction. It is respectfully submitted that the Examiner's rejection based on 35 USC 112 has been obviated.

### REJECTION UNDER 35 USC 103

Claims 4 and 5 stand rejected under 35 USC 103 as being unpatentable over Chintawongvanich, US 6,427,531 in view of one of Caballero, US 3,392,394 and Lorch Microwave "Manual Phase Shifters" publication. This rejection is respectfully traversed.

Although not conceding the appropriateness of the Examiner's rejection, but merely to advance the prosecution of the present application, claim 6 has been cancelled and the subject matter has been added to claim 4. The Examiner indicated that claim 6 would be

allowable is amended to comply with 35 USC 112. In view of the amendments to claim 4, the Examiner's rejection based on 35 U.S.C. § 103 has been obviated.

#### NO PROSECUTION HISTORY ESTOPPEL

Claims 1 and 4 have been amended to clarify the claim language. The subject matter of claim 6 has been added to claim 4. No prosecution history estoppel would apply to the interpretation of the limitations set forth in claims 1 and 4 and the claims that depend therefrom in view of the fact that this subject matter has been continuously presented since the original filing date of the present application.

#### REQUEST FOR INTERVIEW

If the Examiner has any questions with regard to this application, he is respectfully requested to contact the undersigned at (703) 205-8000 so that an interview can be arranged in connection with this application.

#### CONCLUSION

In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination.

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but to merely show the state of the art, no comment need be made with respect thereto.

In view of the above amendments and remarks, reconsideration of the rejections and allowance of all of the claims are respectfully requested.

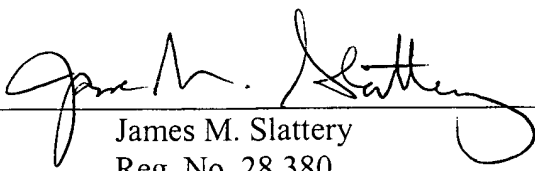
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance.

A prompt and favorable consideration of this Amendment is respectfully requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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